

McCABE & MACK LLP

ATTORNEYS AT LAW
63 WASHINGTON STREET
POST OFFICE BOX 509
POUGHKEEPSIE, NY 12602-0509

TELEPHONE (845) 486-6800

FAX (845) 486-7621

E-MAIL: info@mccm.com

Visit Us On The World Wide Web at
<http://www.mccm.com>

COUNSEL

PHILLIP SHATZ
MICHAEL A. HAYES, JR.
HAROLD L. MANGOLD
ALBERT M. ROSENBLATT
JAY P. ROLISON, JR.
JESSICA L. VINALL

JOHN E. MACK
(1874-1958)

JOSEPH A. MCCABE
(1890-1973)

EDWARD J. MACK
(1910-1998)

JOSEPH C. MCCABE
(1925-1981)

J. JOSEPH MCGOWAN
DAVID L. POSNER
ELLEN L. BAKER
SCOTT D. BERGIN
RICHARD R. DUVALL
LANCE PORTMAN
RICHARD J. OLSON
MATTHEW V. MIRABILE
CHRISTINA M. BOOKLESS
KIMBERLY HUNT LEE
KAREN FOLSTER LESPERANCE
REBECCA M. BLAHUT
JODIE M. HANRAHAN
MICHELLE ALMEIDA
IAN C. LINDARS
SEAN M. KEMP

MEMO ENDORSED

DIRECT TELEPHONE: (845) 486-6874
E-MAIL: dposner@mccm.com

July 5, 2007

Hon. Richard M. Berman
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street, Room 650
New York, NY 10007

RE: Johnson v. City of Poughkeepsie
07 CV 5548 (RMB)
Our File No. 8915-0025

<u>PL to respond by 7/13/07</u>
SO ORDERED: Date: <u>7/10/07</u> <u>Richard M. Berman</u> Richard M. Berman, U.S.D.J.

Dear Judge Berman:

This office represents the defendants and I am writing pursuant to Rule 22 of the Division of Business Among District Judges.

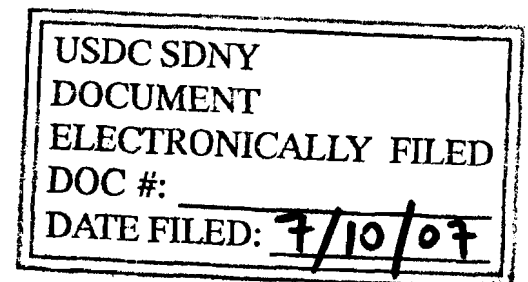
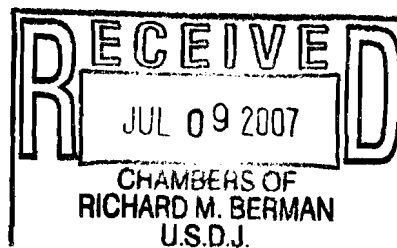
This matter involves allegations of misconduct during the plaintiff's arrest on April 13, 2006 in the City of Poughkeepsie, Dutchess County, New York. The plaintiff and defendants, the City and two of its police officers, reside and/or maintain a place of business in Dutchess County. Also, the incident took place in Poughkeepsie. This is a "northern county" and pursuant to Rule 21(a)(i) "shall" be assigned to White Plains. Also, it "may" be assigned to White Plains pursuant to Rule 21(a)(iv). As a result, transfer to White Plains under Rule 22 is appropriate.

If Your Honor would prefer a formal motion requesting reassignment, please advise and it will be promptly filed.

Respectfully yours,

McCABE & MACK LLP

DAVID L. POSNER



DLP/dmf

cc: Brett H. Klein, Esq./Leventhal & Klein, LLP